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111TH CONGRESS
2D SESSION

H. R. 4652

To amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect and restore the water quality of the Columbia River Basin, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2010

Mr. BLUMENAUER (for himself, Mr. WU, Mr. BAIRD, Mr. MCDERMOTT, and Mr. INSLEE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect and restore the water quality of the Columbia River Basin, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Columbia River Restoration Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Columbia River is the largest river in the Pacific Northwest and the fourth largest river in the United States by volume. The river is 1,243 miles long, and its drainage basin includes 259,000 square miles, extending into 7 States and British Columbia, Canada, and including all or part of 5 national parks, the Columbia River Gorge National Scenic Area, and the Hells Canyon National Recreation Area.

(2) The Columbia River Basin and its tributaries provide significant ecological and economic benefits to the Pacific Northwest and the entire United States. Traditionally, the Columbia River Basin and its tributaries were the largest salmon producing river system in the world, with annual returns peaking at as many as 30 million fish. The Columbia River drainage basin includes more than 6 million acres of irrigated agricultural land, and its 14 hydroelectric dams, combined with additional dams on its tributaries, produce more hydroelectric power than any other North American river.

(3) The Lower Columbia River Estuary stretches 146 miles from the Bonneville Dam to the mouth of the Pacific Ocean, and much of this area

is degraded. Polychlorinated biphenyls (PCBs) in salmon tissue and polycyclic aromatic hydrocarbons (PAHs) in salmon prey exceed estimated thresholds for delayed mortality, increased disease susceptibility, and reduced growth. Legacy contaminants (DDT and PCBs) banned in the 1970s are still detected in river water, sediments, and juvenile Chinook salmon. Several pesticides have been detected, including atrazine and simazine, which can affect salmon behavior or act as hormone disruptors. Emerging contaminants, such as hormone disruptors from pharmaceutical and personal care products, have been found in river water and juvenile male salmon. These contaminants may impair salmon growth, health, and reproduction.

(4) The Middle and Upper Columbia River Basin includes 1,050 miles of the mainstem Columbia River upstream of the Bonneville Dam, including the 1,040 miles of its largest tributary, the Snake River, and all of the tributaries to both rivers. The Environmental Protection Agency's (EPA's) Columbia River Basin Fish Contaminant Survey detected the presence of 92 priority pollutants, including PCBs, dioxins, furans, arsenic, mercury, and DDE (a breakdown product of DDT), in fish that are con-

sumed by the Confederated Tribes of the Warm Springs, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe, as well as by other people consuming fish throughout the Columbia River Basin. A fish consumption survey by the Columbia River Intertribal Fish Commission showed that tribal members were eating 6 to 11 times more fish than EPA's estimated national average. The nuclear and toxic contamination at the Hanford Nuclear Reservation presents an ongoing risk of contamination in the Middle Columbia Basin. Sampling of sediments by the EPA in 2004 documented widespread presence of toxic flame retardants known as polyrominated diphenyl ethers.

(5) Contamination of the Middle and Upper Columbia River Basin has a direct impact on water quality and habitat quality in the Lower Columbia River Estuary. Investments in habitat restoration and toxics reduction in the Middle and Upper Columbia River Basin can have significant benefits for fish and wildlife throughout the entire basin.

(6) Together with the Governors of Oregon and Washington, the EPA created the Lower Columbia

River Estuary Partnership (Estuary Partnership) in 1995 to provide regional coordination to focus on the lower river, to advance the science of the ecosystem, and to deliver environmental results. The Estuary Partnership was formed within the National Estuary Program and provides a structure for organization and collaboration to implement Federal priorities. The Estuary Partnership includes all key Federal agencies as part of its management and governing structure, including the EPA, the United States Geological Survey (USGS), the National Oceanic and Atmospheric Administration (NOAA), the Army Corps of Engineers, the Forest Service, and tribal, State, and local governments.

(7) The Columbia River Basin was designated by the EPA as an ''Estuary of National Significance'' in 1995 and a ''Large Aquatic Ecosystem'' in 2006.

(8) The Estuary Partnership has developed an unparalleled 2-State, public and private partnership, including unprecedented collaborative efforts among key Federal partners, including the EPA, the NOAA, the USGS, and the Army Corps of Engineers to advance Federal goals, and the Estuary Partnership and its partners have gathered scientific

information and compiled data, and have made significant gains in habitat protection and environmental education.

(9) Despite these advances, further degradation exists and contaminants persist in the Columbia River Basin and are impairing the health of fish, wildlife, and humans. Degraded conditions in the river exacerbate the challenges already faced by the 13 species of salmon and steelhead in the Columbia River Basin listed as threatened or endangered under the Endangered Species Act of 1973.

(10) The ''Estuary Partnership Comprehensive Conservation and Management Plan'' (1999), the ''Northwest Power and Conservation Council Lower Columbia Province Plan'' (2004, amended 2008), the draft ''NOAA Columbia River Estuary Recovery Module for Salmon and Steelhead'' (2010), the States of Oregon, Idaho, and Washington Recovery Plans, the ''Biological Opinion for the Federal Columbia River Power System (FCRPS)'' (2000, 2004, 2008), and the ''EPA Columbia Basin State of the River Report for Toxics'' (2009) consistently identify habitat loss and toxic contamination as threats to fish and wildlife.

SEC. 3. COLUMBIA RIVER.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"SEC. 123. COLUMBIA RIVER.

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ACTION PLAN.—The term 'Action Plan' means the 'Columbia River Basin Toxics Reduction Action Plan' developed by the Environmental Protection Agency and the Columbia River Toxics Reduction Working Group in 2010, including any amendments thereto.

''(2) COMPREHENSIVE PLAN.—The term 'Comprehensive Plan' means the 'Estuary Partnership Comprehensive Conservation and Management Plan' adopted by the Environmental Protection Agency and the Governors of Oregon and Washington on October 20, 1999, under section 320, including any amendments thereto.

''(3) ESTUARY PARTNERSHIP.—The term 'Estuary Partnership' means the Lower Columbia River Estuary Partnership, an entity created by the States of Oregon and Washington and the Environmental Protection Agency under section 320.

''(4) LOWER COLUMBIA RIVER AND ESTUARY.—The term 'Lower Columbia River and Estuary' means the region consisting of the lower 146 miles of the Columbia River Basin from the Bonneville Dam to the Pacific Ocean.

''(5) MIDDLE AND UPPER COLUMBIA RIVER BASIN.—The term 'Middle and Upper Columbia River Basin' means the region consisting of the United States portion of the Columbia River Basin above Bonneville Dam, including the Snake River (and its tributaries) and other tributaries of the Columbia River.

''(6) TEAM LEADER.—The term 'Team Leader' means the Team Leader appointed under subsection (b).

''(b) PROGRAM TEAM.—

''(1) ESTABLISHMENT.—The Administrator shall establish in the Environmental Protection Agency a Columbia River Program Team. The Team shall be located within the Oregon Operations Office for Region 10 of the Environmental Protection Agency.

''(2) APPOINTMENT OF TEAM LEADER.—The Administrator shall appoint a Team Leader, who, by reason of management experience and technical ex-

pertise relating to the Columbia River Basin, shall be highly qualified to support the development and implementation of projects, programs, and studies necessary to implement the Action Plan.

''(3) DELEGATION OF AUTHORITY; STAFFING.—The Administrator shall delegate to the Team Leader such authority and provide such additional staff as may be necessary to carry out this section.

''(c) DUTIES.—

''(1) IN GENERAL.—In carrying out this section, the Administrator, acting through the Team Leader, shall—

''(A) assist and support the implementation of the Action Plan and the Comprehensive Plan;

''(B) coordinate the implementation of the Action Plan and the Comprehensive Plan, and the development of any updates to those plans, with programs and projects in the Middle and Upper Columbia River Basin;

''(C) make such other updates to the Action Plan and the Comprehensive Plan as the Administrator, in consultation with appropriate Federal agencies, the States of Oregon, Washington, and Idaho, tribal governments, local

governments, and other public and private interests in the Columbia River Basin, considers appropriate;

"(D) provide funding and make grants for implementation of the Action Plan and the Comprehensive Plan and projects, programs, and studies consistent with the priorities of the Action Plan and the Comprehensive Plan;

"(E) promote innovative methodologies and technologies that are cost effective and consistent with the identified goals and objectives of the Action Plan and the Comprehensive Plan and the permitting processes of the Environmental Protection Agency;

"(F) coordinate the major functions of the Federal Government related to the implementation of the Action Plan and the Comprehensive Plan, including projects, programs, and studies for—

"(i) water quality improvements;

"(ii) toxics reduction and monitoring;

"(iii) wetland, riverine, and estuary restoration and protection;

"(iv) nearshore and endangered species recovery; and

''(v) stewardship and environmental education;

''(G) coordinate the research and planning projects authorized under this section with Federal agencies, State agencies, tribal governments, universities, and the Estuary Partnership, including conducting or commissioning studies considered necessary for strengthened implementation of the Action Plan and the Comprehensive Plan;

''(H) track progress toward meeting the identified goals and objectives of the Action Plan and the Comprehensive Plan by—

''(i) implementing and supporting a project, program, and monitoring system consistent with performance-based ecosystem standards and management; and

''(ii) coordinating, managing, and reporting environmental data related to the Action Plan and the Comprehensive Plan in a manner consistent with methodologies utilized by the Estuary Partnership, including making such data and reports on such data available to the public, including on the Internet, in a timely fashion; and

''(I) collect and make available to the public, including on the Internet, publications and other forms of information relating to the environmental quality of the Lower Columbia River and Estuary.

''(2) IMPLEMENTATION METHODS.—The Administrator, acting through the Team Leader, may enter into interagency agreements, make intergovernmental personnel appointments, provide funding, make grants, and utilize other available methods in carrying out the duties under this subsection.

''(d) REPORT.—Not later than one year after the date of enactment of this section, and biennially thereafter, the Administrator shall submit to Congress a report that—

''(1) summarizes the progress made in implementing the Action Plan and the Comprehensive Plan and the progress made toward achieving the identified goals and objectives described in such plans;

''(2) summarizes any modifications to the Action Plan and the Comprehensive Plan made in the period immediately preceding the report;

''(3) incorporates specific recommendations concerning the implementation of the Action Plan and the Comprehensive Plan; and

''(4) summarizes the roles and progress of each Federal agency that has jurisdiction in the Columbia River Basin toward meeting the identified goals and objectives of the Action Plan and the Comprehensive Plan.

''(e) IMPLEMENTATION OF ACTION PLAN AND COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—The Administrator, acting through the Team Leader and in consultation with the Estuary Partnership, shall carry out projects, programs, and studies to implement the Action Plan and the Comprehensive Plan.

''(2) PRIORITY PROJECTS, PROGRAMS, AND STUDIES.—The Administrator may give special emphasis to projects, programs, and studies that are identified as priorities by the Estuary Partnership in the Action Plan and the Comprehensive Plan.

''(3) GRANTS.—

''(A) IN GENERAL.—The Administrator, acting through the Team Leader, is authorized to make grants for projects, programs, and

studies to implement the Action Plan and the Comprehensive Plan.

''(B) ALLOCATIONS.—In making grants using funds appropriated to carry out this paragraph for a fiscal year, the Administrator, acting through the Team Leader, shall use—

''(i) not less than 40 percent of the funds to make a comprehensive grant to the Estuary Partnership to manage implementation of the Comprehensive Plan;

''(ii) not less than 50 percent of the funds to make grants, as allocated by the Team Leader, for projects, programs and studies prioritized in the Action Plan throughout the Columbia River Basin, and for other coordinated projects, programs, and studies in the Middle and Upper Columbia River Basin; and

''(iii) not more than 5 percent of the funds for project management, administration, and reporting.

''(4) FEDERAL SHARE.—The Federal share of the costs for which a grant is made under this section shall be 75 percent, except that the Administrator may increase the Federal share in such cir-

cumstances as the Administrator determines appropriate.

''(f) ANNUAL BUDGET PLAN.—The President, as part of the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, shall submit information regarding each Federal agency involved in protection and restoration of the Columbia River Basin, including—

''(1) an interagency crosscut budget that displays for each Federal agency—

''(A) the amounts obligated in the preceding fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin;

''(B) the estimated budget for the current fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and

''(C) the proposed budget for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and

''(2) a description and assessment of the Federal role in the development and implementation of the Action Plan and the Comprehensive Plan and the specific role of each Federal agency involved in

protection and restoration of the Columbia River Basin, including specific projects, programs, and studies conducted or planned to achieve the identified goals and objectives of the Action Plan and the Comprehensive Plan.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $40,000,000 for each of fiscal years 2011 through 2016. Such sums shall remain available until expended.''.

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